

20011. Adulteration and misbranding of butter. U.S. v. 35 Cubes, et al., of Butter. Product released under bond for reworking. (F. & D. Nos. 28473, 28475. Sample Nos. 984-A, 989-A.)

These actions involved shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 29 and July 2, 1932, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 35 cubes and 10 cartons of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about June 25, 1932, and in part on or about June 28, 1932, by the Valley Creamery, Ltd., from Milford, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Butter * * * Valley Creamery, Ltd., Milford, Utah." The remainder was labeled in part: (Carton) "Valley Maid Butter * * * Valley Dairy Company, Inc. * * * Los Angeles Valley Creamery, Ltd., Milford * * * Utah Distributors."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article was alleged for the reason that it was labeled in part, "Butter," which was false and misleading, since it contained less than 80 percent of milk fat.

On July 13, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., and the Valley Creamery, Ltd., Milford, Utah, claimants for respective portions of the article, having admitted the allegations of the libel and having filed cash release bonds totaling \$400, decrees were entered ordering that the product be delivered to the claimants for reworking under the supervision of this Department. On July 28, 1932, the product having been reworked to bring it into conformity with the law, final decrees were entered ordering that the release be made permanent, that the bonds be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20012. Adulteration and misbranding of butter. U.S. v. 3 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28554. Sample No. 4937-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce, June 4, 1932, by Swift & Co., from Columbus, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 29, 1932, the claimant for the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20013. Adulteration of blueberries. U.S. v. 3 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction. (F. & D. Nos. 28748, 28758. Sample Nos. 9054-A, 9468-A.)

Samples of blueberries taken from the shipments herein described were found to contain maggots.